

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------------|---|--------------|
| ANTONIO S. BEATTIE | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| DEPARTMENT OF CORRECTIONS, | : | |
| <u>et al.</u> | : | NO. 08-0575 |

M E M O R A N D U M

GARDNER, J.

Plaintiff, Antonio S. Beattie, has filed a pro se civil rights action and a motion to proceed in forma pauperis in this Court. For the reasons outlined below, the Court will grant plaintiff in forma pauperis status for the purpose of filing this action. The action will then be transferred to the United States District Court for the Middle District of Pennsylvania for consideration of plaintiff's complaint and, if appropriate, dismissal of the action pursuant to 28 U.S.C. § 1915A.

Venue for civil rights actions is governed by 28 U.S.C. § 1391(b), which provides that this action may be brought in "(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought."

The events giving rise to this complaint allegedly took place in Schuylkill County, which is located in the Middle

District of Pennsylvania. Since plaintiff's claims did not arise in the Eastern District of Pennsylvania, and nothing in this complaint suggests that any defendant resides in the Eastern District of Pennsylvania, venue is improper in this Court. When venue is improper, as in this case, the Court may, in the interests of justice, transfer the case to a district court in which it could have been brought. 28 U.S.C. § 1406(a). Under the facts set forth in the complaint, the case could have been brought in the Middle District of Pennsylvania.

Pursuant to 28 U.S.C. § 1406(a), the Court will transfer the case to the United States District Court for the Middle District of Pennsylvania. An appropriate order follows.

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O R D E R

AND NOW, this 28th day of March, 2008, in
accordance with the accompanying memorandum, it is hereby ORDERED
that:

1. Leave to proceed in forma pauperis is GRANTED;
2. The Clerk is directed to immediately TRANSFER this
action to the United States District Court for the Middle
District of Pennsylvania along with a certified copy of the
docket and all papers and the file in this matter; and
3. The Clerk of Court shall CLOSE this case
statistically.

BY THE COURT:

/S/ JAMES KNOLL GARDNER, J.

